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**Publish date:**  
**6/9/2010**

**WQC number: 836-0381-WQC-1**

## Public Notice

**Closing Date:**  
**7/8/2010**

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This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

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**Commonwealth of Kentucky  
Department for Natural Resources  
Division of Mine Permits**

**Application for Water Quality Certification for Surface Coal Mining Activities**

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Environmental and Public Protection Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

**1. Applicant Name:** Laurel Mountain Resources LLC  
**Mailing Address:** 1801 Watergap Road, Prestonsburg, KY 41653  
**Contact Person:** Gene Campbell, P.E.  
**Telephone No:** (606) 874-7725 ext.  
**E Mail Address:** gcampbell@lrmtn.com

**2. Consultant Name & Address:** Philip R. Elswick, P.E.  
Summit Engineering, Inc.  
131 Summit Drive  
Pikeville, KY 41501  
  
**Telephone No.:** (606) 432-1447 ext. 304  
**E Mail Address:** pelswick@summit-engr.com

**3. Provide a brief description of the proposed activity and stream impact.**  
Laurel Mountain Resources LLC proposes to develop a mining operation along Frasure Branch of Mud Creek in Floyd County, KY. The operation will recover the Elkhorn 1, Elkhorn 2, Elkhorn 3, Elkhorn 3 Rider, Amburgy, Whitesburg 2, Whitesburg 1, Fireclay, and Taylor coal reserves within the project area. The proposed mining operation is being permitting as KDNR Permit No. 836-0381. In addition to the proposed mining, LMR is forming a partnership with the Kentucky Transportation Cabinet to construct a portion of Kentucky Route 680. This portion of the road is referred to as the Minnie-Harold Connector.

The activities associated with this operation are limited to the construction of one hollow fill (HF 2), one pond (Pond 2) and mining through jurisdictional waters. Additionally, LRM will construct two additional fills and one dugout outside of jurisdictional waters.

In order to offset impacts to jurisdictional waters LMR will submit an in-lieu fee payment to the Kentucky Stream and Wetland Restoration fund.

**4. Project Location Information:**  
**County:** Floyd                      **USGS Quadrangle Name:** McDowell

**Nearest Community & Road Intersection:** Frasure Branch Road with KY Route 979

**Latitude:** 37-28-23    **Longitude:** -82-41-20 (Approximate center of the project area)

**5. List the names of all streams affected by the proposed project:**

Frasure Branch of Mud Creek  
UT of Left Fork of Frasure Branch of Mud Creek

**6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.**

Hollow Fill 2 - 104 acres

**7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.**

HF 2 - 1369 LF - intermittent - permanent  
HF 2 - 903 LF - ephemeral - permanent  
Pond P-2 - 173 LF - intermittent - temporary  
Mining - 75 LF - intermittent - permanent  
Mining - 1526 LF - ephemeral - permanent

**8. Provide the acreage of wetlands that would be impacted: 0**

**9. Beginning at the nearest intersection of two public roads, provide directions to the project site:**

The project area is located approximately 0.8 miles west of the intersection of Frasure Branch Road with Kentucky Route 979.

**10. Has application been submitted to the U.S. Army Corps of Engineers for this project?**

Yes ☒ No ☐ If yes, indicate type of application:

NW 12 ☐ NW 14 ☐ NW 21 ☐ NW 27 ☐ NW 49 ☐  
NW 50 ☐ Individual ☒ Other ☐

**11. Provide the following permit numbers associated with this mining activity:**

SMCRA Permit No.: 836-0381

KPDES No.: Pending

**12. The following attachments must be provided:**

- a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
- b. A 7.5 minute topographic map delineating the proposed project area.
- c. A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:



, Date: 5-27-2010

If signed by applicant's agent, attach power of attorney

**SUBMIT APPLICATION AND ATTACHMENTS TO:**

**WQC COORDINATOR  
DIVISION OF MINE PERMITS  
#2 HUDSON HOLLOW  
FRANKFORT, KENTUCKY 40601**